

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

GWENDOLYN MORRIS-ISOM

PLAINTIFFS

v.

CIVIL ACTION 3:07-CV-00752-HTW-LRA

MISSISSIPPI STATE PERSONNEL BOARD
AND STATE OF MISSISSIPPI

DEFENDANTS

ORDER OF DISMISSAL

This court held a hearing on August 12, 2009, in order to consider a motion for summary judgment [docket no. 17] on the single remaining claim in this matter, which was brought by defendants Mississippi State Personnel Board and the State of Mississippi. Since plaintiff stated that she did not timely receive notice of the motion, this court reserved ruling on the motion and allowed plaintiff ten days to respond. Plaintiff failed to respond within ten days.

On April 8, 2010, this court entered an order directing plaintiff to file a response to defendant's motion for summary judgment within ten days or suffer dismissal of the action without prejudice for failure to prosecute.¹ Plaintiff has again failed to respond within the time allotted by the court. Therefore, it is hereby ordered that this action is dismissed without prejudice.

So Ordered this the 21st day of April, 2010.

s/ **HENRY T. WINGATE**
CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹A district court may *sua sponte* dismiss an action for failure to prosecute under Rule 41(b). *Hickerson v. Christian*, 283 Fed. Appx. 251, 253 (5th Cir. 2008). Rule 41(b) states in pertinent part: If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.